

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\* \* \* \* \*

ARY JEWELERS, LLC, ET AL.,  
Plaintiffs

v.

CIVIL ACTION NO.:  
04-10281-EFH

IBJTC BUSINESS CREDIT CORP. and  
DAVID MOLINARIO,  
Defendants.

\* \* \* \* \*

**DEFAULT JUDGMENT**

December 4, 2006

HARRINGTON, S.D.J.

The case was called for trial on December 4, 2006<sup>1</sup> and the plaintiff declined to introduce any evidence on its claim of interference with an advantageous relationship. The plaintiff seeks by such action to foreclose the necessity of producing evidence in order to immediately appeal to the United States Court of Appeals for the First Circuit the Court's Order dated October 24, 2006. A Motion for Leave to Appeal was denied on November 29, 2006.

The Court's Order of October 24, 2006 denied defendant's motion to enter judgment on Count I, plaintiff's claim of interference with an advantageous relationship, but limited damages to those flowing from the defendant's alleged interference with plaintiff's financial relationship with Foothill Capital Corporation, namely, the cost of obtaining replacement financing. It also struck plaintiff's expert report which had calculated lost profits allegedly flowing from a separate

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<sup>1</sup> A full statement of the case is found in Ary Jewelers, et al. v. IBJTC Business Credit Corp., 414 F.Supp.2d 90 (D. Mass. 2006).

contract between plaintiff and Krigel's Inc. relating to plaintiff's agreement to purchase Krigel's stock.<sup>2</sup>

After the plaintiff had rested without producing any evidence, the defendant moved for a default judgment which was granted in open court. Default Judgment is entered for the Defendant IBJTC Business Credit Corp.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge

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<sup>2</sup> After plaintiff decided not to seek any alternative financing, plaintiff made a decision not to go forward with Krigel's stock purchase.